

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

**GEC US 1 LLC, et al.,**

Plaintiffs,

v.

**FRONTIER RENEWABLES, LLC, et al.,**

Defendants.

Case No.: 16-cv-1276 YGR

**ORDER RE: ADMINISTRATIVE MOTIONS TO  
FILE UNDER SEAL**

Re: Dkt. Nos. 94, 102

**FRONTIER RENEWABLES, LLC,**

Counterclaim Plaintiff,

v.

**ACTIV SOLAR GMBH, et al.,**

Counterclaim Defendants.

In a separate order concurrently filed, the Court resolves plaintiffs' motion to enforce compliance with a prior order. In connection with that motion, plaintiffs filed two administrative motions to seal, pursuant to this Court's Civil Local Rule 79-5. (Dkt. Nos. 94, 102.) This Order resolves the administrative motions to seal.

The public holds a presumptive right of access to public records, including pretrial filings in civil cases. *See Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1178–79 (9th Cir. 2006); *In re Midland Nat. Life Ins. Co. Annuity Sales Practices Litig.*, 686 F.3d 1115, 1119 (9th Cir. 2012). In the context of information proffered in support of dispositive motions or at trial, only a continuing, compelling reason will justify sealing the information or keeping it under seal. *See In re Midland*, 686 F.3d at 1119. However, "the usual presumption of the public's right to access does not apply to non-dispositive motions with the same strength it applies to dispositive motions." *Dugan v. Lloyds TSB Bank, PLC*, 2013 WL 1435223, at \*1 (N.D. Cal. Apr. 9, 2013) (citing *In re Midland*, 686 F.3d at 1119). In the context of non-dispositive motions, the party seeking to place and keep information under seal need only make a showing of good cause. *See id.* at \*1–2. "There


1 may be ‘good cause’ to seal records that are privileged, contain trade secrets, contain confidential  
2 research, development or commercial information, or if disclosure of the information might harm a  
3 litigant’s competitive standing.” *Id.* at \*2.

4 The Court concludes that plaintiffs’ sealing requests are appropriate and narrowly tailored.  
5 Accordingly, the motions are **GRANTED**.

6 This Order terminates Docket Numbers 94, 102.

7 **IT IS SO ORDERED.**

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9 Date: September 7, 2016

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11 YVONNE GONZALEZ ROGERS  
12 UNITED STATES DISTRICT COURT JUDGE  
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Northern District of California